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| 8                               | UNITED STATES DISTRICT COURT DISTRICT OF NEVADA  |  |
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| 10<br>11<br>12<br>13            | UNITED STATES OF AMERICA,  Plaintiff(s),  v.   | ) Case No. 2:16-cr-00285-APG-NJK ) ORDER ) (Docket No. 54) |
| 14<br>15                        | BRANDON LAMAR PRUITT,  Defendant(s).   | )<br>)<br>)<br>)   |
| 16                              | On June 8, 2017, Defendant filed a notice of assertion of right regarding shackling. Docket No. 53.                |  |
| 17                              | The notice relates to the issuance of the <i>en banc</i> decision in <i>United States v. Sanchez-Gomez</i> , F.3d, |  |
| 18                              | 2017 WL 2346995 (9th Cir. May 31, 2017). On June 13, 2017, the Government moved to strike that                     |  |
| 19                              | notice, arguing that it mischaracterizes the Ninth Circuit's decision. Docket No. 54. These filings are not        |  |
| 20                              | tethered to any particular hearing, shackling request, or shackling determination. There is no live justiciable    |  |
| 21                              | dispute before the Court. Accordingly, the motion to strike is <b>DENIED</b> without prejudice to the parties      |  |
| 22                              | addressing the issues at an appropriate time if necessary.   |  |
| 23                              | IT IS SO ORDERED   |  |
| 24                              | Dated: June 22, 2017   |  |
| <ul><li>25</li><li>26</li></ul> | NANCY J. KOPPE<br>United States Magistrate Judge   |  |
| 27                              |  |  |
| 28                              | <sup>1</sup> On June 16, 2017, the Ninth Circuit entered a 90-day stay of the issuance of the mandate.             |  |